



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 30, 1994

Ms. Cynthia A. Figueroa  
Ronquillo & DeWolf  
Attorneys and Counselors at Law  
750 North St. Paul Street, Suite 990  
Dallas, Texas 75201

OR94-863

Dear Ms. Figueroa:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30551.

The North Central Texas Regional Certification Agency (the "agency") received an open records request for copies of "any and all memos written by Carlos Cordova, director of the [agency], since Oct. 12, 1994, regarding conversations by and among board members and/or board members and employees." You state that the agency maintains only one memorandum that comes within the ambit of the request. You do not contend that the memorandum comes within any of the act's exceptions to required public disclosure listed in subchapter C of chapter 552 of the Government Code. Rather, you contend that because the memorandum pertains to the "activities of a private corporation" the memorandum is not subject to the Open Records Act.

Section 552.021(a) of the Government Code provides:

Information is public information if, under a law or ordinance or in connection with the transaction of official business, it is collected, assembled, or maintained:

- (1) by a governmental body; or
- (2) for a governmental body and the governmental body owns the information or has a right of access to it.

You have submitted to this office for review a copy of the memorandum in question. The memorandum, created by the agency's executive director, concerns a conversation between certain workers whose services the agency has "leased" from an employment company and one of the agency's board members and directly relates to incidents that occurred between those individuals in connection with their official agency duties.<sup>1</sup> Because the memorandum clearly concerns the actions of the agency's workers and officials, it constitutes "public information" subject to the Open Records Act. Further, because you have raised no exception to required public disclosure for this document, the agency must release this information in its entirety.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/RWP/rho

Ref.: ID# 30551

Enclosures: Submitted document

cc: Ms. Jennifer Files  
Dallas Morning News  
508 Young Street  
Dallas, Texas 75202  
(w/o enclosures)

Ms. Angela M. Paulsen  
Jenkins & Gilchrist  
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Dallas, Texas 75202-2799  
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<sup>1</sup>Consequently, we reject your characterization of the memorandum as pertaining to only the "activities of a private corporation." However, even if this were the case, it would not be a relevant consideration here. See, e.g., Open Records Decision No. 231 (1979) at 3.